

# SWANN ACTS TO RESCUE THE DAIRYMEN'S LEAGUE FOR BOOSTING PRICES OF MILK

Prosecutor Gathers Evidence Showing Organization of Producers Absolutely Controls Supply Here—Violations of Donnelly Anti-Trust Law Charged.

## How Price of Milk Has Jumped From 9 to 14 Cents a Quart

THE following table shows the wholesale and retail prices of milk in New York City in September, 1916, which was before the retail price began to advance, and for the succeeding months when the distributors increased their prices:

	Wholesale	Retail
September, 1916	3.4 c. qt.	9c.
October, 1916	4.46c. qt.	10c.
December, 1916	4.67c. qt.	11c.
July, 1917	4.46c. qt.	11 1/2c.
August, 1917	5.42c. qt.	12 1/2c.
October, 1917	6.59c. qt.	14c.
Lowest	2.13c. qt.	9c.
Highest	6.59c. qt.	14c.

An investigation which has been carried on for the past two days by District Attorney Swann will result in speedy Grand Jury action in the matter of the price of milk in this city and, on the face of the evidence at hand, in the indictment of certain persons engaged in the production and distribution of milk for violation of the Donnelly Anti-Trust Law.

The District Attorney's evidence, gathered largely through milk dealers and distributors of Manhattan and Brooklyn, appears to establish that the Dairymen's League, an organization of farmers and milk producers in the districts which supply New York with milk, constitutes about the tightest and most absolute trust known in the history of such organizations.

According to the testimony furnished to the District Attorney, the Dairymen's League absolutely controls the milk supply not only of this city, but of other cities in the State. It is charged by dealers and distributors that the league, in order to hold down the supply and put up the price has adopted plans, including the slaughter of milk cows, which are in plain violation of the principles of fair business dealing.

The Dairymen's League is a New Jersey corporation, organized in 1907 with an office at No. 110 West 40th Street. It has 40,000 members in the five States which contribute to New York's milk supply. R. G. Cooper is president of the league, and Cooper and Manning, together with directors named Thompson, Miller, Kirshaw and Colver, are said to constitute a board which absolutely controls New York's milk supply and fixes the prices which the people of New York must pay for milk.

**TO BEGIN ACTION AGAINST LEAGUE AT ONCE.**  
District Attorney Swann intends to begin an action immediately against the Dairymen's League because it has not filed a certificate which is required of a foreign corporation doing business in this State. The offense constitutes a misdemeanor. This prosecution will open the door to a complete investigation of the reason why the people of New York are compelled to pay 14 cents a quart for milk.

The District Attorney has evidence to show that the officers and directors of the Dairymen's League meet once every two months in Syracuse and fix the price of milk to dealers and distributors for the next two months. Up to a year or so ago the members of the league were unable to supply all the milk needed in the metropolitan territory, and dealers and distributors were permitted to buy from independent producers.

At this time, according to sworn testimony in the hands of Mr. Swann, dealers and distributors who will not agree to buy milk only from members of the league are promptly boycotted by the league and, as they are unable to obtain an adequate supply of milk from independent producers are compelled to go out of business.

John P. McCauley, President of the Model Dairy Company at No. 210 Eighth Avenue, has told the District Attorney that he went before the officers and directors of the Dairymen's League on Sept. 27 and flatly refused to pay the price demanded for milk and was told by all the officers and directors present that if he didn't the price fixed he would not be allowed to buy milk.

**Y. DISTRIBUTORS APPEAL TO HOOVER IN VAIN.**  
Much of the evidence given to the District Attorney has been furnished by the New York Milk Conference

Board, an organization of distributors with offices at No. 2 Rector Street. Following the conference of the Dairymen's League in September at Syracuse, at which the price was fixed, which establishes the New York City rate of 14 cents a quart, the Milk Conference Board went to Washington and told Food Controller Hoover that the dairymen's trust was exacting exorbitant prices for milk, was in a conspiracy to reduce the supply and was continually working to kill off independent competition. Mr. Hoover said the matter was out of his jurisdiction.

### MILK RELEASED BY TELEGRAPHIC ORDER.

The District Attorney has in his possession a telegraphic form, which, it is claimed, are used by President Cooper of the Dairymen's League in notifying farmers and agents of farmers in milk producing districts what dealers in New York City and vicinity are "fair" to the league. One of the forms reads:

"Release milk to ————  
Another reads: "R. G. Cooper."

"League milk is sold to ————  
(Signed) R. G. Cooper."  
Cook, President of the Milk Conference Board, said that the league milk dealers have told the District Attorney that on Sept. 24 they called at the office of the Dairy Men's League and told Secretary Manning they would refuse to sign the contract sent by the league following the September conference in Syracuse. They said that they would have to pay the price fixed by the league or they would not be supplied with milk by members of the league after Oct. 1.

E. V. Jansen, a milk dealer in Hoboken, told the District Attorney that up to a short time ago he purchased milk from the league from Thomas M. Merchant, a Birmingham lawyer, who conducts a dairy as a side issue, and 245 cents a day from members of the Dairymen's League. He was notified that he would have to cease buying milk from Merchant or leave his supply of 245 cents a day from league members cut off.

### SAID HE HEARD THAT BOYCOTTING IS LEGAL.

He communicated with Merchant, who said he would not join the league, because he considered it to be an illegal organization. Jansen had to quit buying from Merchant, and Merchant told him he was unable to sell his milk to any dealer or distributor who has dealings with members of the Dairymen's League. It is said.

The Dairymen's League, the District Attorney has been told, is represented in New York in a legal way by a lawyer named Miller, who makes his headquarters in Suezehausen, Pa., and comes to New York on call. Miller, according to District Attorney Swann's information, has insisted to representatives of the Sheffield Farms, Horton Ice Cream, Borden and other milk companies that regulation of the milk supply and boycotting of independent dealers is strictly legal.

As the result of an appeal from Health Commissioner Emerson, who claims that the death of at least 400 infants in this city can be traced directly to the high cost of milk, Mayor Mitchell today appointed a committee of five professional and business men to make an investigation of the milk situation.

The milk investigating committee will consist of Dr. Charles E. North, Sanitarian and Secretary of the National Commission of Milk Standards; George W. Love, Chairman of the Committee on Foods of the Merchants' Association; E. B. Lewis, member of the Advisory Committee of the Department of Health, and Hugh Payne of the American Federation of Labor.

# The Widow of "Fighting Fred" Funston, Bringing Up Her Boy to Be a Soldier, Says Army Training Makes Best Men

It's Up to American Women, Mothers of Men, She Declares, to Make Themselves, Also, Mothers of Patriots—Woman Who Knows All About Hardships of Army Life Is Earnest Advocate of Military Training for America's Youth and She's Glad Her Eldest Son Wants to Follow in His Father's Footsteps.

GEN. FUNSTON'S WIDOW will write a series of articles for The Evening World: "What Is Being Done for the American Boy in the Army?"

First Article To-morrow.

Marguerite Mooers Marshall.

SHE is a fighter too, the widow of "Fighting Fred" Funston. Her husband captured Aguinaldo and led the Southern Department of the United States Army into Mexico. She is here to capture New York, or enough of it to enable her to lead her three little children into paths smoother than those which a pension opens. There is Frederick, who is fourteen and studying for West Point; Barbara, who is nine, and Delany, the baby of three. And they are all waiting out in California for the mother who just now must earn the money for their stockings and gingerbread instead of making the one and mending the other, as she would like to do.

Mrs. Funston has known all the dark side of army life: privation, danger, separation—even the ultimate, heart-breaking separation. Yet the fires of her patriotism are undimmed and she believes that every mother in America should raise her boy to be a soldier, should love her country that in its need she freely gives her son.

"I do not see how any American woman can justify herself in trying to keep her boy out of the army now that we are at war," she told me when I talked to her yesterday at the Holland House, where she is stopping. "If my boy were old enough I should want him to go to France. There are tears in the heart of the mother who sends her son to the firing line, but I think that any American should be stronger than sorrow for her personal loss."

THE pacifist reader may be pictured as saying: "I assure you she's nothing of the sort. She has the regally tall, broad-shouldered, deep-bosomed figure which belongs to so many daughters of the Golden Gate—she lived in San Francisco when Gen. Funston married her, after a record courtship even in army circles. They were engaged as long as two whole days. She also has big blue eyes, that are both smiling and serene, a wholesome color and a particularly soft and pleasant voice."

"Even when we are not at war I believe in universal military service," she continued. "I think that a year or two in the army for every American boy would be our salvation as a country. And I know what army life is."

Then Mrs. Funston told me some things which prove that she does indeed know army life. In the eighteen years of her marriage the only time she did not accompany Gen. Funston to his various posts was when he went into Mexico. "He wouldn't let me go with him then," she said. "And he was most wise of him," she added loyally.

After her two-days' engagement she was married in Oakland, Cal., on a Tuesday, and he sailed for the Philippines the following Thursday. A fortnight later she followed him, having waited just long enough to say goodbye to her father, who had been kept from the wedding by a railroad strike in the East.

DURING the first attack upon Manila bullets passed through the house where she was living; she still has one of them. Not many weeks later her husband, who was out on active duty, sent a carmacha, which is a sort of native hansom cab, and his two "strikers" to bring her to see him at Calocan, up the line from Manila. She reached the place in safety, but as she stood talking to an officer, while waiting for her husband to come into camp, a perfect hailstorm of bullets fell around her.

The officer pushed her hastily behind an embankment. "I wasn't a bit afraid, but I felt like a silly coward in being in hiding," she told me naively. In a few minutes her husband returned at the head of his party, against whom the firing had been directed. He sent her back to Manila, and half an hour after her departure occurred one of the sharpest fights of the campaign.

"During the attempt to burn Manila I remained, with four or five other women, in a house in the lower part of the city," she told me. "The officer in charge showed us how we could escape to the harbor by a little canal at the back. If escape should be paid to and charged by both dairymen and distributors. Mr. Callahan takes issue with Attorney General Lewis, who says there is sufficient law to drive down milk prices."



MRS. FREDERICK FUNSTON PHOTO BY IRVING MILL

The joke of it was that when I went to bed, at 4 o'clock in the morning, after everything was over, I lay there thinking of what might have happened and shivered till my teeth chattered.

"IN 1909 I was living with Gen. Funston in a native house in San Isidro when that town was attacked. The General rushed out at the head of the repelling party, and the officer left in charge told me I had better come down from the top story to the ground floor, which was solidly built of stone. We had known that we were likely to be attacked any night, so I always put my kimono and my stockings on in a certain chair just where I could find them in a hurry. But that night I couldn't find but one stocking, although I hunted frantically. I was much more worried over its disappearance than over the bullets raining around the house."

"You see, nothing much really has happened to me, after all," Mrs. Funston ended, with true soldierly modesty.

"YOU never were sorry that you married a soldier?" I interrupted.

"Never," she said, with an infection at once quiet and dauntless. "The army life is a splendid thing for a man. I get so tired reading the untruths printed about it."

"For the young man, a year or two in the army is the best possible preparation for the rest of his life. Often he is remade, physically. When I see these little, pallid, stoop-shouldered elevator boys in New York I can't help wishing they could have a year of military food and military exercise."

"I am very glad that my boy wants to go into the service. I know of no finer work for a man than army work. He can never get rich or have many of the so-called good things of life. But in civilian life only a few men earn fortunes. And how much in ideals, honor and domestic companionship is sacrificed to attain them!"

"It's a wonderful service," the widow of Gen. Funston ended with loyal conviction. "And I think that it is up to American women, mothers of men, to make themselves also mothers of patriots who are willing to serve their country for at least a part of their lives and to think less of dollar getting."

Assembly Leader Callahan Asks Law to Curb Milkmen.

## 80 DRAFT CALL DODGERS ARE SENT TO YAPHANK

Brassards to Be Supplied to All New Soldiers—Warning to Liquor Sellers.

Roger H. Wood, head of the Draft Bureau, returned today from Washington and issued orders to the local boards to supply all drafted men with brassards on the day they are to go to Yaphank. This is to do away, if possible, with the disorderly scenes which revealed among men who have gone before. Mr. Wood said that any one selling liquor to men wearing the insignia will be arrested.

The brassards will be sewn onto the left sleeve of the embryonic soldiers' coats and will bear the design: "New York City, Local Board No. — N. Y."

The eighty men detained at the Seventy-first Armory for failing to respond to the call of the draft were sent to Yaphank this afternoon and will be dealt with by the military men misanthropes.

The next 25 per cent. of the select draft will begin to leave for Yaphank Monday and continue going till Oct. 12. The date of departure for the last 30 per cent. has not been determined.

## FRANCIS B. SAYRE HOME.

President's Son-in-Law Want to Front With Y. M. C. A.

A number of Canadian ambulance drivers arrived today on a British ship, Francis B. Sayre, son-in-law of President Wilson, was aboard, having been active in Y. M. C. A. work on the French and British fronts.

Sir John and Lady Harrington, Right Honorable H. G. Glendinning, Hon. Frederick MacNaughten, Joseph A. Baker, M. P., Warwick Brookes, M. P., were among those in the saloon. The ship carried 200 passengers.

Schooner Founders on New England Coast.

AN ATLANTIC PORT, Oct. 2.—The schooner Abenaki, from Hallowell, Me., for New York, with granite blocks, foundered off the New England coast last night. Capt. Howard Barker of Bath and members of the crew, were picked up by a schooner and brought here today. The vessel, recently refitted for the coastwise trade, registered 176 tons gross and was built in 1894.

## Demand for Ousting Of La Follette Put Up To His Own Conscience

WASHINGTON, Oct. 2.—While petitions demanding expulsion of Senator La Follette poured into the capital today the Senate Privileges and Elections Committee prepared to table all petitions at its meeting to-morrow.

"We will do absolutely nothing toward investigating these petitions," said one member of the committee today. "We will leave the petitions and the matter they cover with the conscience of the man they name."

## REGISTER ASSAILS ESTIMATE BOARD IN MARGINAL INQUIRY

O'Loughlin Declares Brooklyn Taxpayers Are at Mercy of Trust Company.

Edward T. O'Loughlin, member of Kings County, announced as a witness in District Attorney Swann's investigation of the purchase of the marginal railway property in Brooklyn by the city, told the present to-day that through the machinations of members of the Board of Estimate and Apportionment the taxpayers and property owners of Brooklyn were at the mercy of the Title Guaranty and Trust Company.

"As a public official," Register O'Loughlin told Swann, "in 1912 I sought to create a last owners' index of property in Kings County. This would have saved the taxpayers and the city government large sums of money which have been paid to title companies for transcripts."

"When I applied for an appropriation to carry on the work it was killed by the friends of Frank Bailey, Vice-President of the Title Guaranty and Trust Company, on the Board of Estimate. I had to go to the courts to secure the necessary appropriation in 1915."

"If my work on this index had not been blocked, the marginal railroad steel could not have gone through. By the index it could have been seen at once who the real owners of that property were."

The Extraordinary Grand Jury, which has been investigating the land purchases by the city will take up to-morrow the sale of the Dreamland Park property to the city. District Attorney Swann said today, when asked when Mayor Mitchell and Comptroller Prendergast would be heard by the Grand Jury, that it was for the jury to decide.

"I am at present of the opinion," he said, "that the Grand Jury will have so many questions to ask these gentlemen that they probably will reserve them as witnesses until they have completed in full the inquiry into the marginal railway purchase and the Dreamland Park matter."

## S. R. O. IN NEW YORK JAILS.

Federal Marshal Throws Up Hands When 40 New Prisoners Arrive.

When forty-six prisoners were brought to the Federal Building in Brooklyn this morning United States Marshal Power threw up his hands.

"If they plead 'not guilty' where am I going to put them?" he asked. "Every jail used by us in this jurisdiction is crowded so badly that each one has notified us it cannot accept another man."

"At Raymond Street, with a capacity for 400, they have 440; at Minerva, where we have 25 in custody, they cannot accommodate the number of county residents who wish to stay with them; the Long Island City Jail has declared an embargo on Federal prisoners and Blackwell's Island, which is looking after 27 of our prisoners, notifies us that it has reached its limit."

## JOHN L. HELPS THE "DRYS."

Ex-Champion John Campaign and Milford Deserts "Wets."

MILFORD, Conn., Oct. 2.—The successful campaign for no-liquor laws this year in Milford, which resulted in the swing over of the town from the wet column for the first time in ten years was featured by the appearance of John L. Sullivan, former world's champion prize fighter, as an advocate for the "drys."

Sullivan spoke here about two weeks ago, and to-day many credited him with assisting to secure the knockout administered to the liquor interests.

## SENDS SIX BOATS TO WAR AND ISSUES BILL FOR OTHERS ARE TOO YOUNG

"THEY ARE TOO YOUNG," the nation's youth have said in response to the bill of Senator J. P. McPherson introduced in the Senate today. The bill would send six boats to war and issue a bill for others are too young.

"The bill is a good one," said Mr. McPherson, "but it is too young to be sent to war."

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